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VERONICA GUTIERREZ, TIM FOX, ERIN WALKER  
and WILLIAM SMITH, on behalf of themselves and  
all others similarly situated,

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WELLS FARGO BANK, N.A. and  
WELLS FARGO & CO.

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

VERONICA GUTIERREZ, TIM FOX,  
ERIN WALKER and WILLIAM SMITH,  
as individuals, and on behalf of all others  
similarly situated,

**Plaintiffs,**

V.

WELLS FARGO & COMPANY; WELLS FARGO BANK, N.A.; and DOES 1 through 125.

#### Defendants.

Civil Case No.: C-07-5923 WHA (JCSx)

## CLASS ACTION

**STIPULATION AND [PROPOSED]  
ORDER TO DISMISS DEFENDANT  
WELLS FARGO & COMPANY**

Hon. William H. Alsup

Complaint filed: November 21, 2007

STIPULATION AND [PROPOSED] ORDER TO DISMISS DEFENDANT WELLS FARGO & COMPANY  
C 07-05923 WHA (JCSx)

1 WHEREAS, on November 21, 2007, the above-entitled action was initiated by the original  
2 Plaintiffs against Defendants Wells Fargo & Company and Wells Fargo Bank, N.A.

3 IT IS HEREBY STIPULATED by and between the Parties to the action that, subject to the  
4 Court's approval, Defendant Wells Fargo & Company be dismissed without prejudice.  
5

6 DATED: July 1, 2008

COVINGTON & BURLING LLP

8 By:

9 David M. Jolley  
10 Attorneys for Defendants

11 DATED: July 1, 2008

12 McCUNE & WRIGHT, LLP

13 By:

14 Richard D. McCune  
15 Attorneys for Plaintiffs

16

17 **IT IS SO ORDERED.**

18 DATED: July 11, 2008

